

UNITED STATES DISTRICT COURT

for the

Middle District of Georgia

United States of America

v.

Michael Schlarman

Date of Original Judgment: 12/01/2022

Date of Previous Amended Judgment: N/A

(Use Date of Last Amended Judgment if Any)

Case No: 4:22-CR-0006-001

USM No: 96356-509

Michael Simpkins

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2) (Amendment 821)**

Upon motion of ☐ the defendant ☐ the Director of the Bureau of Prisons ☒ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by Amendment 821 to the *United States Sentencing Guidelines*, and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 156 months is reduced to 140 months.

Michael Schlarman was originally sentenced on November 29, 2022, to a term of 156 months imprisonment to be served concurrently to any term of imprisonment that may be imposed in Muscogee County Superior Court Docket No. SU-2009-CR-2619. The prison term is to be followed by a five-year term of supervised release.

Schlarman's criminal convictions resulted in a subtotal criminal history score of three. An additional two points were added since he committed the instant offense while under a criminal justice sentence. His total criminal history score was five which established a Criminal History Category III. Based on a Total Offense Level 31 and a Criminal History Category III, the guideline imprisonment range was 135 to 168 months.

Part A of Amendment 821 of the United States Sentencing Guidelines eliminated "status points" for being under a criminal justice sentence at the time of the instant offense for defendants with six or less criminal history points. Therefore, if granted by the Court, the defendant's total criminal history score would be reduced to three which establishes a Criminal History Category II. Based on a Total Offense Level 31 and a Criminal History Category II, the guideline imprisonment range will be 121 to 151 months.

The government concurs that the defendant is eligible for sentence reduction and recommends a sentence in the middle of the newly calculated range. This results in an imprisonment sentence of 140 months.

Except as otherwise provided, all provisions of the judgment dated 12/01/2022 shall remain in effect.

IT IS SO ORDERED.

Order Date: 6/14/2024

S/Clay D. Land

Judge's signature

Effective Date: (if different from order date)

Clay D. Land, U.S. District Judge

Printed name and title